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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/518,776      | 03/03/2000  | Mark Maggenti        | 000211              | 5937             |

23696 7590 02/24/2004

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2685

DATE MAILED: 02/24/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/518,776

Applicant(s)  
Maggenti et al.

Examiner  
Thuan Nguyen

Art Unit  
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/03 has been entered.

### *Specification*

2. The abstract of the disclosure is objected to because on line 2, there is a phrase containing "is claimed" therein. Correction is required. See MPEP § 608.01(b) (3rd reminder).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

4. Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigler et al. (U.S. Patent No. 5,717,830).

Regarding claims 1-10, Sigler discloses an exact system and method for a push-to-talk communication device to participate in a group communication net over the Internet (Figs 1 & 9

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for including other networks such as PSTN, MTS, private networks even to LAN and WAN networks including the Internet with IP or TCP/IP of the Internet are addressed in col. 1/lines 14-20, col. 3/line 64 to col. 4/line 11, col. 13/lines 38-43, and in the Glossary), wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device (col. 10/lines 10-24 & col. 17/line 25 to col. 18/line 8), including the method of handling or processing packet data with a transmitter and receiver to send and receive packet data over the Internet (see Figs. 5-6, and col. 13/line 39-col. 14/line 32 as the mobile user can interact with other devices-- illustrated in Fig. 6-- over the Internet via the Internet interface of the NOC of Figure 5; and col. 35/lines 20-24 as user routes messages using Mobile Packet Data Service), further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the mentioned packet data (PTT button is used for activating the push-to-talk communication, col. 19/line 40 to col. 20/line 7) as well as the communication device is wireless (Fig. 1, and col. 16/line 61 to col. 17/lin 7 for mobile users addressed), including a memory within the wireless device (for storing ID into a memory, in col. 21/lines 8-15), and a database for storing packet data for until the controller is ready to receive the packet data per claim 3 (Fig. 3 for a data hub in handling MET user packet switched); a controller as NOC oversees the operation of the system in managing and controlling system resources regarding the group communication net per claim 7 (Figs. 3-4, 8-9, and col. 3/line 64 to col. 4/line 3) further including a priority service (col. 20/lines 8-15) such that the priority is dynamically configurable in a manner that an interruption can occur

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for users with more priority requests per claim 6 (col. 9/lines 45-64 & col. 36/lines 44-67 for priority and dynamic features) and a secure mode (col. 26/line 54 to col. 28/line 55 for encryption and techniques for ensuring anti-fraud acts and securing technique with encryption algorithm); the communication device further including identification information, as well as a cellular ESN for identifying each mobile user by identification updates or matching that ESN to home cellular carrier per claim 9 (col. 34/lines 33-37), and updated information can be done or changed with new information (col. 20/lines 23-34 & Fig. 9 for mobile users in different nets) as well as the including of the dormant mode, wherein the group communication net is capable of offering, and with the user's activation prompting the controller to activate the group communication net (col. 30/line 54 to col. 32/line 25 for standby modes).

As for claims 11-43, these claims with same limitations but in broader claim languages as in claims 26, 32, and 38 are rejected for the same reasons as already discussed in details above for claims 1-10.

### ***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



**TONY T. NGUYEN  
PATENT EXAMINER**

Tony T. Nguyen, FSA  
Art Unit 2685  
February 18, 2004